



5. Defendant TD Bank, N.A. is a member of TD Bank Group and a subsidiary of Toronto-Dominion Bank with dual headquarters at Two Portland Square, Portland, Maine, 04112, and 1701 Route 70 East, Cherry Hill, New Jersey, 08034.

### **JURISDICTION AND VENUE**

6. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)–(c) and 1400(b) because this Court has personal jurisdiction over Defendants, and Global Sessions has its principal place of business in this District.

8. Defendants have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling Plaintiffs to relief.

### **BACKGROUND**

9. United States Patent No. 6,076,108 (“the ’108 patent”), entitled “System And Method For Maintaining A State For A User Session Using A Web System Having A Global Session Server,” was duly and legally issued by the United States Patent and Trademark Office on June 13, 2000, after full and fair examination. A copy of the ’108 Patent is attached as Exhibit A.

10. United States Patent No. 6,480,894 (“the ’894 patent”), entitled “System And Method For Maintaining A State For A User Session Using A Web System,” was duly and legally issued by the United States Patent and Trademark Office on November 12, 2002, after full and fair examination. A true and correct copy of the ’894 Patent is attached as Exhibit B.

11. Global Sessions Holdings SRL is the owner of the ’108 and ’894 patents.

12. Global Sessions LP has an exclusive license to the ’108 and ’894 patents (“Patents-in-Suit”) that includes, without limitation, the following: (a) all exclusionary rights

under the patents, including, but not limited to, (i) the exclusive right to exclude others from making, using, offering for sale, or selling products embodying the patented inventions throughout the United States or importing such products into the United States, and (ii) the exclusive right to exclude others from using and otherwise practicing methods embodying the patented inventions throughout the United States; and (b) the exclusive right to sue and seek damages for infringement of any of the exclusionary rights identified above.

### **INFRINGEMENT OF U.S. PATENT 6,480,894**

13. Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe one or more claims of the '894 patent in this District or otherwise within the United States by their manufacture, use, sale, importation, licensing and/or offer for sale, without authority: (i) web pages, content, and/or services presented and/or served to users from multiple web engines while maintaining session state, including, without limitation, the web pages, content, and/or services accessible via <https://onlinebanking.tdbank.com> and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows web pages, content, and/or services to be presented and/or served to users from multiple web engines while maintaining session state; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing; and/or (iv) services storing, updating and/or maintaining information about financial transactions made on Defendants' websites during a session, including, at least, but not limited to transfer of funds between accounts for bill payments on their website at <https://onlinebanking.tdbank.com>, as well as any predecessor products or services of any of the foregoing.

14. Defendants also have infringed and continue to infringe one or more claims of the '894 patent by contributing to and/or actively inducing others to use, sell, import, and/or offer for sale infringing products and/or services. Defendants indirectly infringe one or more claims of the '894 patent by active inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users of the web pages, content, services, software, computer equipment

and/or services identified above to directly infringe one or more claims of the '894 patent. Defendants indirectly infringe one or more claims of the '894 patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, computer equipment, and/or services identified above, Defendants contribute to the direct infringement of users of said web pages, software, computer equipment, and/or services. Defendants are liable for their infringement of the '894 patent pursuant to 35 U.S.C. § 271.

**INFRINGEMENT OF U.S. PATENT 6,076,108**

15. Defendants have directly and/or indirectly infringed and continue to directly and/or indirectly infringe one or more claims of the '108 patent in this District or otherwise within the United States by their manufacture, use, sale, importation, licensing and/or offer for sale, without authority: (i) web pages, content, and/or services presented and/or served to users from multiple web engines while maintaining session state, including, without limitation, the web pages, content, and/or services accessible via <https://onlinebanking.tdbank.com> and maintained on servers located in and/or accessible from the United States under the control of Defendants; (ii) software, including, without limitation, software that allows web pages, content, and/or services to be presented and/or served to users from multiple web engines while maintaining session state; (iii) computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing; and/or (iv) services storing, updating and/or maintaining information about financial transactions made on Defendants' websites during a session, including, at least, but not limited to transfer of funds between accounts for bill payments on their website at <https://onlinebanking.tdbank.com>, as well as any predecessor products or services of any of the foregoing.

16. Defendants also have infringed and continue to infringe one or more claims of the '108 patent by contributing to and/or actively inducing others to use, sell, import, and/or offer for sale infringing products and/or services. Defendants indirectly infringe one or more claims of the '108 patent by active inducement under 35 U.S.C. § 271(b). Defendants have induced and continue to induce users of the web pages, content, services, software, computer equipment

and/or services identified above to directly infringe one or more claims of the '108 patent. Defendants indirectly infringe one or more claims of the '108 patent by contributory infringement under 35 U.S.C. § 271(c). By providing the web pages, software, computer equipment and/or services identified above, Defendants contribute to the direct infringement of users of said web pages, software, computer equipment, and/or services. Defendants are liable for their infringement of the '108 patent pursuant to 35 U.S.C. § 271.

### **DAMAGES**

17. Defendants' acts of infringement have caused damage to Global Sessions, and Global Sessions is entitled to recover from Defendants the damages it has sustained as a result of Defendants' wrongful acts in an amount subject to proof at trial.

### **JURY DEMAND**

18. Plaintiff demands a trial by jury on all issues.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests entry of judgment in their favor and against Defendants as follows:

- a) Declaring that each Defendant has infringed directly, and/or indirectly, the Patents-in-Suit;
- b) Permanently enjoining each Defendant, and respective officers, agents, employees, and those acting in privity with each Defendant, from further infringement, contributory infringement, and/or inducing infringement of the Patents-in-Suit;
- c) Awarding damages arising out of each Defendant's infringement of the Patents-in-Suit, including enhanced damages, if applicable, pursuant to 35 U.S.C. § 284 together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) For such other costs and further relief as the Court may deem just and proper.

DATED: August 13, 2013

Respectfully submitted,

By: /s/Brian D. Melton  
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